

<p align="center"><b>Response to Missing Requirements Under 35 USC § 371</b></p>	<p>Attorney Docket No.: DAIRY88.019APC</p> <p>First Named Inventor: Peter Dudley Elston</p> <p>Int'l Application No.: PCT/NZ04/00289</p> <p>US Application No.: 10/579,089</p> <p>Entered National Phase: May 12, 2006</p> <p>Title: DAIRY PRODUCT AND PROCESS</p>
	<p><b>Direct all correspondence to Customer No.: 20995</b></p>

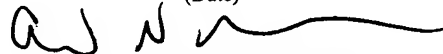
Date: March 7, 2007  
Page 1 of 2

**Mail Stop PCT**  
 United States Patent and Trademark Office  
 PO Box 1450  
 Alexandria, VA 22313-1450

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: United States Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450, on

March 7, 2007

(Date)



Andrew N. Merickel, Reg. No. 53,317

Applicant herewith submits to the US Designated/Elected Office (DO/EO/US) the following items and other information:

- (X) This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 USC 371.
- (X) Copy of the Notification of Missing Requirements under 35 USC 371 dated January 8, 2007.
- (X) An Oath or Declaration signed by the inventors (35 USC 371(c)(4)) in 3 pages.
- (X) Information Disclosure Statement and Form PTO/SB/08 Equivalent in 2 total pages (IDS and 1449).
- (X) 2 references enclosed.
- (X) Return prepaid postcard.

**FILING FEES NOT YET PAID:**

FEE CALCULATION				
FEE TYPE		LARGE FEE	CALCULATION	TOTAL
Late Oath/Decl.	37 CFR § 1.492(h)	1617 (\$130)		\$130
Excess Claims	62 - 62 = 0	1615 (\$50)	0 x 50 =	\$0
Excess Ind. Claims	4 - 4 = 0	1614 (\$200)	0 x 200 =	\$0
			<b>SUB TOTAL</b>	<b>\$130</b>
			<b>TOTAL FEE DUE</b>	<b>\$130</b>

- (X) A check in the amount of **\$130** is enclosed to cover the above fees.

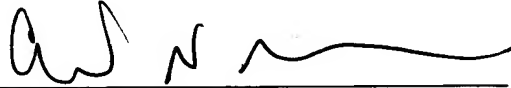
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<b>Response to Missing Requirements Under 35 USC § 371</b>	Attorney Docket No.: DAIRY88.019APC First Named Inventor: Peter Dudley Elston Int'l Application No.: PCT/NZ04/00289 US Application No.: 10/579,089 Entered National Phase: May 12, 2006 Title: DAIRY PRODUCT AND PROCESS
<b>Direct all correspondence to Customer No.: 20995</b> <div style="text-align: right;">Date: March 7, 2007 Page 2 of 2</div>	

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 11-1410.



Andrew N. Merickel  
Registration No. 53,317  
Attorney of Record  
Customer No. 20,995  
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3501809  
030607



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/579,089	FIRST NAMED APPLICANT Peter Dudley Elston	ATTY. DOCKET NO. DAIRY88.019APC		
		INTERNATIONAL APPLICATION NO. PCT/NZ04/00289		
		<table border="1"> <tr> <td>LA. FILING DATE 11/15/2004</td> <td>PRIORITY DATE 11/14/2003</td> </tr> </table>	LA. FILING DATE 11/15/2004	PRIORITY DATE 11/14/2003
LA. FILING DATE 11/15/2004	PRIORITY DATE 11/14/2003			

20995  
 KNOBBE MARTENS OLSON & BEAR LLP  
 2040 MAIN STREET  
 FOURTEENTH FLOOR  
 IRVINE, CA 92614

CONFIRMATION NO. 6303

371 FORMALITIES LETTER



\*OC00000021878093\*

Date Mailed: 01/08/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/12/2006
- Copy of the International Search Report filed on 05/12/2006
- Copy of IPE Report filed on 05/12/2006
- Preliminary Amendments filed on 05/12/2006
- U.S. Basic National Fees filed on 05/12/2006
- Priority Documents filed on 05/12/2006
- Specification filed on 05/12/2006
- Claims filed on 05/12/2006
- Abstracts filed on 05/12/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebs>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/579,089	PCT/NZ04/00289	DAIRY88.019APC